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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,667	03/06/2002	Thomas B. Lewis	538.02	3833
7590	01/19/2006		EXAMINER	
Malcolm B. Wittenberg Dergosits & Noah LLP Suite 1150 Four Embarcadero Center San Francisco, CA 94111				RAMAKRISHNAIAH, MELUR
		ART UNIT		PAPER NUMBER
		2643		
DATE MAILED: 01/19/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/092,667	LEWIS ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2643	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 October 2005.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 5-11,16-20,23 and 24 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 5-11,16-20,23 and 24 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ .	6) <input type="checkbox"/> Other: _____ .

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-7, 10-11, 17-18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden et al. (US 2003/0112325, filed 12-13-2001, hereinafter Boyden) in view of Jeon (US PAT: 6,677,980) and Yoshimastu (US PAT: 6,326,994).

Regarding claims 23 and 24, Boyden teaches the following: in a method/device of video conferencing between first and second locations, the first location having a first video camera (148, fig. 1) and a first image monitor (114, fig. 1) and a the second conference location (not shown) having a second video conferee (similar to 120, fig. 1), a second video camera (similar to 148) and a second image monitor (similar to 114) wherein the first video monitor displays an image of the second video conferee and the second video monitor displays an image of the first video conferee and, wherein the first and second video conferees face the first and second video cameras and first and second video monitors , respectively, the improvement comprising locating the first and second video cameras proximate the first and second image monitors, respectively, such that the first video camera and second video cameras (148, fig. 1) are aimed at the first and second video conferees (figs. 1-2, paragraphs: 0023-0028, 0047, 0055-0056).

Boyden differs from claims 23 and 24 in that he does not teach the following: calculating an angle theta between the optical axis of each of the video cameras and sight line established between the video conferees, the angle theta, defined by the equation: $\theta = \tan^{-1}(H/D)$ wherein H= camera height above the eye-to-eye sight line, D=horizontal distance of each camera to its conferee and wherein theta is ≤ 3 degrees.

However, Jeon discloses method and apparatus for correcting gaze of image using single camera which teaches the following: calculating an angle theta between the optical axis of each of the video cameras and sight line established between the video conferees, the angle theta, defined by the equation: $\theta = \tan^{-1}(H/D)$ wherein H= camera height above the eye-to-eye sight line, D=horizontal distance of each camera to its conferee (col. 3 lines 6-21) and Yoshimastu teaches the following: theta is in the range of 0 degrees to 3 degrees inclusive (col. 6 lines 28-31).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Boyden to provide for the following: calculating an angle theta between the optical axis of each of the video cameras and sight line established between the video conferees, the angle theta, defined by the equation: $\theta = \tan^{-1}(H/D)$ wherein H= camera height above the eye-to-eye sight line, D=horizontal distance of each camera to its conferee and as this arrangement would facilitate to calculate angle theta by means well known formula in the art as shown by Jeon, thus facilitate line of sight conferencing; wherein theta is ≤ 3 degrees as taught by Yoshimastu to achieve desired results for given application.

Regarding claims 6-7, 17-18, Boyden teaches the following: video images of each of the first and second conferees as appearing upon the second and first video monitors at the second and first location, respectively, are approximately the size of the conferees (fig. 1, paragraph: 0025) each of the first and second video cameras are characterized as having a length along its optical axis and lens diameter perpendicular there to (these are implicit characteristics of camera arrangement),

Regarding claims 10-11, Boyden further teaches the following: the first and second video cameras (148, fig. 1) are adjustably positionable upon the first and second video monitors such that the first video camera is adjustably maintained within the emotionally neutral field of the image of the second conferee appearing upon the first video monitor and is further adjustable to maintain its optical axis aimed at the eyes of the first video conferee and the second video camera is adjustably maintained within the emotionally neutral field of the image of the first conferee appearing upon the second video monitor and is further adjustable to maintain its optical axis aimed at the eyes of the second video conferee (paragraphs: 0028, 0055-0056), video cameras are remotely adjustable at a distance from each camera location (paragraph: 0050).

Boyden differs from claims 5 and 16 in that although he shows conferees located at a distance from each conferees cameras as shown in fig. 1; he does not explicitly show that conferees are located approximately 2 to 8 feet from each conferee's cameras. However, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Boyden's system to provide for this to suite particular situations in a video conference situation to meet user needs.

3. Claims 8-9, 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyden in view of Jeon as applied to claims 23 and 24 above, and further in view of Nixon et al. (US PAT: 6,806,847, filed 9-13-2001, hereinafter Nixon).

Regarding claims 8-9 and 19-20, the combination does not teach the following: each of the first and second video cameras is characterized as having a lens diameter no greater than approximately 0.47 inches/0.28 inches.

However, Nixon discloses portable computer in a process control environment, which teaches the following: camera lens having a diameter in the range of $\frac{1}{4}$ " to $\frac{1}{2}$ " (col. 5 lines 13-17).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Boyden's system to provide for the following: each of the first and second video cameras is characterized as having a lens diameter no greater than approximately 0.47 inches/0.28 inches as this arrangement would facilitate providing required diameter lenses to meet the application requirements as taught by Nixon.

Response to Arguments

4. Applicant's arguments with respect to claims 5-11, 16-20, 23-24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (703) 305-1461. The examiner can normally be reached on M-F 6:30-4:00; every other F Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703)305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643